

Guidance for LEAs and adult education providers on the implementation of the Disability Discrimination Act Part 4

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department for

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**Guidance
for LEAs and adult
education providers on
the implementation
of the Disability
Discrimination Act
Part 4**

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Introduction

The Special Educational Needs and Disability Act 2001 will have major implications for post-school education providers. Bringing education under the Disability Discrimination Act means that further and higher education institutions and Local Education Authorities providing adult education will have a legal duty not to discriminate against disabled students either by treating them less favourably for a reason related to their disability or by failing to make a reasonable adjustment for them.

This Guidance, commissioned by the DfES, gives LEAs and adult education providers examples of how they might meet the challenges of the new legislation in the best interests of disabled students. It provides an overview of the Act and then looks in some detail at what LEAs and providers need to do in terms of their procedures, their provision and their policies.

The DfES is grateful to NIACE for undertaking to produce the Guidance, to Liz Maudslay for writing it and to those LEA officers who commented on the earlier drafts.

For further information on the legislation and its implications you can contact either NIACE (National Institute of Adult Continuing Education) or Skill: the National Bureau for Students with Disabilities (both listed at end of this booklet).

Guidance for LEAs and adult education providers on the implementation of DDA Part 4

This guidance is for staff in LEAs and adult education provider organisations who have responsibility for learners with learning difficulties or disabilities. The first part of the guidance gives a brief overview of the legislation and its implications for adult education. The second part looks at issues which will need to be addressed by staff to ensure compliance with the new legislation.

Part One Overview of the Act

This section gives a brief overview of what the Act says. For a much fuller description see the draft Code of Practice. (This is listed in the **Useful Resources** Section below. The final version of the Code of Practice will be issued in May 2002.)

What does the Act do?

The Special Educational Needs and Disability Act brings education under the Disability Discrimination Act (DDA) and becomes Part 4 of the DDA.

What is the Act's definition of disability?

The DDA definition of disability is of someone who has a physical or mental impairment which has an effect on his or her ability to carry out normal day-to-day activities. That effect must be substantial, adverse and long-term (that is, it has lasted or is likely to last for at least 12 months).

This definition is not the same as the definition of 'learning difficulty' in the Learning and Skills Act. The definition in the Learning and Skills Act specifically relates to learning and covers learners who have a significantly greater difficulty in learning than other learners, or a disability which hinders their learning. There may be some learners, for example those with mild dyslexia, who may not be covered by the DDA definition but may still have considerable difficulty with learning. However, it is important to see the good practice listed in Part 2 of this document as benefitting all learners, whether or not they actually have rights under the DDA Part 4.

Who has duties under the new Part 4 of the DDA?

- HE providers
- FE providers
- LEAs securing adult and community education
- Schools providing further education for adults
- Local Education Authorities providing the statutory youth service

It is important to be clear that, in the case of adult and community education, the duty is on the LEA and not directly on the provider. LEAs often make use of a wide range of providers and locations in putting on their adult education offer. It might not be possible to bring every provider up to the same standards of accessibility at the same time. LEAs will need to look at the entirety of their offer and work with their providers to ensure that disabled learners are not discriminated against in their ability to access provision.

Those who have duties under DDA Part 4 have responsibility not solely for their own staff but for any work they may contract out. This could be a particular issue with LEAs who may contract out an area of work to a particular provider who might in turn sub-contract some of this work, for example an adult education provider bringing in an outside organisation to run its student canteen. LEAs will need to review their contracts with providers in the light of their new responsibilities under DDA Part 4.

Do schools come under this Act?

Schools are also covered under DDA Part 4 but, when they are providing for school-age students, the duties on them are slightly different to those on post-school education and they have a separate Code of Practice. Sixth forms which are part of a regular school come under the schools section although Sixth Form Colleges are covered by the post-16 parts of the Act.

What are the duties on LEAs in respect of adult and community education?

To ensure that disabled learners are not treated less favourably on account of their disability and to ensure that reasonable adjustments are made for disabled learners.

To what areas do these duties apply?

These duties apply to everything that is offered to learners and potential learners. This will include:

- Admissions and criteria for admissions – for example, not being able to say ‘we don’t have dyslexic people on this course’
- Physical environment
- All teaching and learning
- All other services provided for learners, for example catering facilities, libraries and learning centres, car parking, learner outings, and so on.

What if we did not know that the learner had a disability? Can the learner still take a case against the LEA for not providing a reasonable adjustment?

A learner’s failure to disclose a disability can be seen as a justifiable reason for not making an adjustment. However, the LEA would have to prove that reasonable steps had been taken to give all learners the opportunity to disclose their disability.

Won't the changes which need to be made be very expensive?

Some changes will require significant expenditure and the Government is providing funding to help with this. However, it is also important to remember that many of the changes needed to ensure disabled learners are not discriminated against actually cost nothing or very little. For example:

A learner with a facial disfigurement is taking an evening class in Tai Chi. The class tutor spends time with each of the students individually, helping them with their technique, but does not spend time with the disabled learner because he feels uncomfortable with her. Because no other learner has been treated this way and because the treatment is related to the learner's disability, this treatment is likely to be unlawful.

A partially deaf learner who lip-reads is attending an adult education class. She has told the class tutor about her disability. The tutor usually spends a proportion of his time with his back to the class writing on the white board. It might be reasonable to expect the tutor to provide printed handouts so that he can face the class while he is talking.

A visually-impaired learner is taking a basic skills class. He can read print but not if the font is smaller than 14pt. A reasonable adjustment might be to ensure that all handouts he needs are enlarged.

For many more examples see the Code of Practice.

How do we judge how far we need to go in making an adjustment?

The Code of Practice lays down certain justifications which will be taken into account when judging reasonableness.

- Reasonable adjustments are not seen as over-riding academic standards
- The cost of the adjustment, whether it is practicable and the resources of the institution will be taken into account when looking at whether a particular adjustment is reasonable
- in some cases it is accepted that other services (e.g. social services) and not the educational institution should be the service which provides a reasonable adjustment although it is the educational organisation's duty to ensure this adjustment is in place when the learner attends classes
- reasonable adjustments should not contravene health and safety regulations
- the relevant interests of other people and learners need to be taken into account when providing reasonable adjustments.

Examples of what these justifications might mean in practice are given in Chapter 6 of the Code of Practice.

The legislation also allows for the fact that much adult education takes place in rented premises and that physical alterations cannot take place without the agreement of the landlord (for further details see Environment section in Part Two of this document and the Code of Practice Chapter 7).

Does an LEA only need to put adjustments in place if it has disabled learners attending its provision?

No, the legislation is anticipatory. This means that LEAs and providers have to address issues of disability access even if they do not currently have any disabled learners.

When does the new legislation come into force?

Implementation of the Act is from September 2002 with two exceptions:

- The duty to provide auxiliary aids and services (for example interpreters for deaf learners) comes into force in September 2003
- The duty to adapt physical features comes into force in September 2005.

What will happen if a disabled person challenges the LEA under the Act?

It is hoped that most cases will be settled by internal negotiation. Problems can often be solved if both parties have all the information they need and there is a will to help.

The Disability Rights Commission will be offering an advice service and also a conciliation service for disputes which come under the Act.

In the final instance the disabled person will be able to take the LEA to court.

What about Disability Statements? Will LEAs still be required to produce them?

When this legislation is implemented there will no longer be a statutory obligation to produce Disability Statements. However, Disability Statements have proved a very useful means of telling potential learners what they can expect and it would be good practice for LEAs to continue to produce them. They will, however, need to ensure they are compatible with DDA Part 4 and state what the LEA is doing to ensure compliance with the new legislation.

Part Two

What will LEAs and their providers need to do to prepare for the Act?

LEAs will need to look at the entirety of their offer; assess how far it does conform to the new duties placed upon them by the Act, and draw up plans progressively to address any areas where there are gaps. They will need to work with their providers to ensure that their procedures, their practices, and their policies are reviewed and revised in the light of the new legislation.

Details on what this might entail are listed below but, in brief, LEAs will need to:

- review their contracts with providers to ensure that they reflect their responsibilities under DDA Part 4.

LEAs and providers together will need to:

- look at how far providers have created an atmosphere in which disclosure of disability will be encouraged
- review the procedures in place for responding to the particular needs of disabled learners
- carry out an audit of their physical environment
- carry out an audit of all services provided to learners – not just teaching and learning but also other services provided primarily for them such as libraries and resource centres, catering and recreation services
- assess staff development needs in relation to the new legislation
- review all policies and marketing materials.

They will then need to draw up an action plan addressing any needs which have arisen from these reviews and audits.

This may sound daunting. However, it is important to remember that LEAs and their providers are not starting from scratch. Many of them have a very long history of providing excellent support for learners with a range of learning difficulties and disabilities. Moreover, the whole ethos of adult and community learning with its strong emphasis on responding flexibly to individual learner needs, means that many providers are well-versed in making the reasonable adjustments which will be required by the new legislation. Hopefully, the new legislation will be seen as giving formal recognition and support to practice which, in many instances, is already taking place. LEAs and their providers will already be having to look at their obligations to disabled people under DDA Part 2 (employment) and DDA Part 3 (goods and services).

A. Procedures

1. Admissions and enrolment procedures

a. Criteria for acceptance on a course

Some courses may lay down criteria for acceptance. In these cases it needs to be clear that these criteria do not discriminate unjustifiably against potential learners because

of their disability. For example, an advanced creative writing course might require potential learners to submit a piece of writing. Is it clear that learners whose disability prevents them from writing, for example someone with severe dyslexia, might be allowed to submit their piece on tape?

b. Enrolment procedures

Staff behaviour is crucial for ensuring that disabled learners are not discriminated against in the enrolment process. This means that not just tutors but all staff, for example reception staff, catering staff and caretakers, need to be aware that certain learners, for example those with a visual impairment or those with a learning difficulty, might need help in the enrolment process.

Checklist

What steps have you taken to check admissions criteria for specific courses to see if they allow for variations to be made in the case of certain disabled learners?

What steps might you take to ensure that the staff involved in enrolment are aware of the particular needs of people with disabilities and that there are staff available if disabled learners need additional help, for example in filling in enrolment forms?

2. Disclosure procedures

Procedures which ensure that disabled learners feel comfortable in disclosing their disability are key in complying with the legislation. One of the main ways this can happen is by having a welcoming atmosphere in which learners do not feel inhibited in acknowledging any additional needs they may have. If a provider is open about the range of services and facilities it can offer disabled learners, potential learners are likely to be far less inhibited in discussing their particular needs.

Providers will probably wish to include an additional question on an application form along the lines of:

Have you any additional needs that we should be aware of? Would you like to discuss these in confidence with a member of staff?

If a particular provider does not use written application forms such information may need to be elicited verbally. Requests for disclosure must always be sensitive to a student's wish for confidentiality (e.g. not asking them verbally when in the middle of a large group).

Requesting information about a learner's need for any adjustments is likely to need to happen more than once. It will of course need to happen before a learner starts a programme. However, disabled learners may feel inhibited at disclosing any additional needs at this stage or may be unaware of the kind of adjustment they might require. They will therefore need another opportunity to disclose when the programme is underway.

It is also important that disabled learners should be given another opportunity to disclose when there are any substantial changes to the programme, for example going on an outing.

The Act clearly states that it is not up to the learner to disclose to every member of staff. The organisation will therefore have to ensure it has procedures in place for sharing information with others, for example making sure a co-tutor knows of a

learner's need for large print, or canteen staff know that a particular learner needs help with carrying a tray. However, this can only be done if the learner has agreed to this information being passed on. DDA Part 4 does not over-ride the Data Protection Act 1998 which restricts the passing on of sensitive personal data without explicit, informed consent.

The DfES has produced a short booklet on disclosure, **Finding out about People's Disabilities** (listed in the **Useful Resources** Section below).

Checklist

What steps can you take to ensure that the atmosphere of your establishment is one in which disabled learners feel comfortable about talking about their needs?

Have you looked at the procedures you have in place for allowing learners and potential learners to disclose a disability?

How can you ensure that these respect a learner's right to confidentiality?

What procedures might you put in place to ensure that, with the learner's permission, a need for a reasonable adjustment is passed on to other staff?

3. Procedures for responding to information

Once a provider is aware that a learner has a particular need it will need to have clear procedures in place for how it responds to this information. Staff have to be aware how this information is recorded; whose role it is to ensure that the requisite support is in place and whose role it is to monitor that support and ensure that arrangements are satisfactory for the learner.

There will also be instances when learners might not be aware of how their particular need might best be answered. In these instances the institution will have to ensure that the learner's needs can be assessed and that appropriate reasonable adjustments can be suggested. This assessment might happen internally, for example by a member of staff with responsibility for disabled learners, or might need the support of an external agency, for example referring a learner to an organisation which can arrange assessments for dyslexia.

Checklist

Have you looked at ways of recording information passed on by learners?

Have you identified a person in your organisation whose role it is to respond to a learner's need for a specific adjustment, and are all staff aware of who this person is?

In what ways might you monitor these support arrangements to ensure they really are helpful to the learner?

Have you taken steps to put arrangements in place for assessing the particular needs a disabled learner might have?

How might you identify other external agencies which might be able to assist in assessment?

4. Procedures for working with other agencies

As we have seen the Act accepts that there will be times when it is appropriate for another agency to provide a reasonable adjustment. This might be the case with a social services personal assistant accompanying a learner to adult education classes.

The Act does not lay down which agency is responsible for providing specific services, but it is clear that, when the learner is attending adult education courses, the LEA/education provider is responsible for ensuring this support is available even if they are not themselves providing it. However, this does not mean that DDA Part 4 should be seen as a reason for other agencies to relinquish their support. LEAs and providers who work with other agencies will need to ensure they have clear procedures and protocols in place for the work they might do together.

Checklist

What procedures and protocols might need to be established for how you work in collaboration with other agencies?

5. Complaints procedures

It is hoped that in most instances complaints by disabled learners will be able to be sorted out internally. In order for this to happen LEAs and adult education providers will need to ensure that they have drawn up clear procedures as to how they will deal with any grievances and that their complaints procedures are updated in line with the new legislation. They will need to ensure that any grievances are dealt with speedily and that disabled learners are given sufficient support to express their concerns (for example a deaf learner might need the support of an interpreter; a learner with a learning difficulty might need the support of an advocate).

Checklist

How accessible is your complaints procedure to learners with a range of disabilities?

What steps do you need to take to update your complaints procedures in line with the new legislation?

How can you ensure that a disabled learner will be able to make their case as quickly and as fully as possible?

B Audit and action plan of provision

Section A looked at some of the changes which might need to happen in relation to procedures. Section B looks at ways in which the LEA and its providers will need to carry out an audit and create an action plan in terms of their provision and their physical environment. This auditing and action planning is essential. It might not be reasonable to expect an LEA to achieve total compliance across all its providers immediately. However, it will be in a much stronger position in relation to the law if it has clear plans as to how it is addressing areas which need to be changed.

The Act clearly spells out that the duty on LEAs is anticipatory. It is a duty to disabled people at large and not just to individuals already enrolled on a course. Of course there will always be specific requirements which need to be individually tailored. However, it is not sufficient just to wait for individual disabled learners to apply. This is particularly relevant to adult education which often does not have neat year beginnings and endings but which receives new learners throughout the year. The LEA and its providers need to be planning actively how they will respond to the

needs of the whole range of disabled learners and to have an action plan in place which reflects this.

The first step of creating an action plan will be carrying out an audit of what steps LEAs/providers have already taken to provide access for learners with disabilities and/or learning difficulties. Existing Disability Statements may well form a very useful first step in doing this. They will then need to identify what still needs to be done and draw up an action plan.

Areas which need to be addressed are:

1 Environment

In order to comply with the new legislation LEAs/providers will probably want to carry out an environmental audit. To do this they may wish to call in other outside help. They could obtain details on organisations which could help them carry out an audit from the National Register of Access Consultants (see the Useful Resources Section below for details). LEAs make use of a very wide variety of locations and the Act does not expect every single provider under the LEA umbrella to be immediately and completely compliant; rather LEAs will need to look at their provision as a whole and prioritise areas which most urgently need adaptation in order to enable the best possible access for disabled learners.

It is important to remember that environment covers far more than just the installation of ramps and lifts. Some of the other areas to be included are:

- doors which are not too heavy to open or which swing back into peoples' faces
- induction loops for deaf people
- clear signs for people with a visual disability or a learning difficulty
- contrasting coloured paintwork and clear markings on stairs
- good lighting
- space for students with medical needs, for example changing rooms.

LEAs/providers also need to think of alternative strategies they can employ if their buildings are not completely accessible. For example, do they have clear procedures for relocating classrooms if a wheelchair user wants to follow a particular course which is usually located in an upstairs room?

It is important to remember that it is not just teaching rooms which need to be accessible. An audit should cover other areas such as learning centres and canteens which are provided primarily for learners. It should also look at whether a provider has specialist parking spaces reserved for disabled car users.

While many of the above changes need to be put in place as anticipatory adjustments whether or not the provider currently has disabled learners, other adjustments will need to respond to individual needs, for example a particular learner who requires extra hand railings or a table of a different height. LEAs need to ensure that their providers have procedures in place to respond quickly to such individual needs.

Many adult education classes take place in rented accommodation or accommodation which does not belong to the LEA. If these buildings are used solely for adult education the LEA will be responsible for making alterations to the physical environment although they will need to gain consent from the leaseholder first (see Code of Practice Chapter 7 on building regulations). In other instances the building

may only be used for adult education once or twice a week. In such instances the duty on LEAs to make alterations will be less strong. They will need to negotiate with the owner as to whether there could be other sources of funding for providing adjustments. Part of the buildings audit should entail seeing whether there are other buildings for rent in the same area which are more accessible.

Checklist

How might you arrange for an environmental audit of the buildings you use?

How can you ensure that this audit covers the range of areas mentioned above, not just access for people with a physical disability?

What steps might you take to draw up an action plan to address access needs?

How might you ensure that you have procedures in place to respond quickly to individual needs?

Have you looked into the possibility of there being other more accessible buildings to rent than the ones you currently use?

How can you ensure that estates managers always consult with disability staff before carrying out new building or decorating works?

2. Teaching materials

Sometimes all that disabled learners will require is that teaching materials are made accessible for them. Some of these changes are very simple, for example printing handouts in a larger font or printing them onto a contrasting coloured paper for some learners with dyslexia or a visual impairment. Others may involve translating materials into Braille or enabling learners to use specialist speech software on a computer. There may also be times when materials need to be rewritten in simpler language so they are accessible to people with a learning difficulty or written in a slightly different way so that they can be more easily understood by a deaf person whose first language is sign language. Although the need for adaptation is likely to be most obvious in terms of written materials, providers also need to think of how to make the materials of other, more practically based, areas of the curriculum more accessible.

Providers need to ensure they have procedures in place to allow this to happen and make sure that all staff are aware of these procedures. Some of these may be relatively simple such as ensuring that all staff use a computer to make their handouts so that they can be enlarged easily, or ensuring that there are supplies of different coloured paper. Others may require input from other organisations such as a specialist organisation for blind people who can arrange for texts to be Brailled or give advice on specialist speech software.

Checklist

How might you audit the accessibility of teaching materials used in your organisation?

How can you ensure that all staff use handouts which are clear and can easily be enlarged?

What links could you make with specialist organisations who can advise on ways of making materials accessible?

3. Access to learning/teaching methods

As well as access to the environment and to teaching materials, many disabled learners will need adaptations made to the way in which they are taught if they are to have full access to the learning situation. This is particularly true for students with learning difficulties, specific learning difficulties such as dyslexia, and students with mental health difficulties. **(NB this section needs to be read in conjunction with the section on staff training. See below.)**

Some learners with a learning difficulty or with dyslexia may require some kind of extra support either within the class or outside it if they are to have their individual needs fully met. Others, particularly those with a mental health difficulty or a long-term illness, might require more flexibility in delivery, for example the opportunity to take longer to complete a particular course because of times when they are unable to attend. There may be other learners, particularly those with dyslexia, who may be unaware of what support they do need and will require a specific assessment before an appropriate reasonable adjustment can be made.

Checklist

How can you develop your provision of specialist support?

What arrangements do you have with external support organisations to provide specialist support?

What steps can you take to be sure that all staff are aware of any specialist support that is on offer?

What can you do to ensure that your procedures are flexible enough to accommodate learners who, because of their disability, might need longer to complete a course?

What procedures need to be in place to allow individual learners access to a specialist assessment?

4. Staff training

Staff training is arguably the most important area to address in ensuring that disabled learners are not discriminated against. This training needs to include all staff, not just teaching staff but also reception staff, canteen staff, caretakers and anyone else who has contact with learners. Staff training is a particular issue in adult and community education where so many teaching staff are part-time. It is important to remember that this legislation makes no distinction between full- and part-time staff. LEAs and providers will need to think of the most appropriate and effective ways of ensuring that part-time and sessional staff receive information and training. Some of this might need to happen in the form of written information or distance learning if getting people together in groups is actually very hard. They also need to think about who might be appropriate staff training providers. LEAs and adult education providers often work closely with a range of other agencies and organisations. It might be that some of these, for example specialist projects catering for people with a particular disability, might be able to support LEAs and adult education providers in putting on a training programme.

All staff need to be aware of the new legislation and also to receive basic disability awareness training which takes account of the full range of disabilities.

In addition staff will need training specifically related to their own roles. For non-teaching staff this might include:

- training for reception staff and caretakers in how best to guide blind people
- training for all non-teaching staff in how to respond to deaf learners
- training in how to best deal with learners with a mental health difficulty who might exhibit unusual behaviour.

Teaching staff will need particular training in:

- understanding how the range of disabilities might affect a person's style of learning and how best to adapt their curriculum and delivery in order to respond to this
- how to differentiate their teaching so as to include a wide range of learners
- when to suggest referral to a specialist
- how to work with support workers in the classroom.

Such a programme is ambitious. LEAs and providers need to prioritise when making their plans, and also need to ensure they have procedures in place to deliver training quickly when a specific need arises, for example being able to provide training if staff members request guidance on working with deaf people as they have a deaf learner in their classes and they have never had any training in this area before.

Checklist

How might you draw up a staff training plan to address issues arising out of the new legislation?

How will you differentiate the training needs of different staff, for example, teaching and non-teaching?

Who are the key staff who are a priority for staff training?

How might training be cascaded from one group of staff to others?

How can you best address the need of large numbers of part-time and sessional staff?

What procedures are needed to ensure individual staff have immediate access to training if a particular need arises?

Are there organisations you currently work with who might be able to support your staff development programme?

5. Health and safety

The legislation and accompanying Code of Practice acknowledge that there may be times when a duty to health and safety legislation over-rides a provider's ability to make a reasonable adjustment. However, it also makes very clear that health and safety justifications should not be used spuriously as an excuse for not making adjustments for disabled learners. When drawing up health and safety procedures providers need to see these as means of including disabled people by being mindful of everyone's health and safety needs.

All providers should be carrying out risk assessments as part of their health and safety policy. When doing this they should ensure that issues of disability are built into these assessments. For example, when devising their exit strategies in case of fire they should ensure they have procedures in place which cover the safe exit of people with a range of disabilities and, if necessary, a designated 'refuge area' where those with

limited mobility can wait for assistance in the event of a fire. In some instances a reasonable adjustment might include specialist training which ensures that staff can support disabled learners while at the same time protecting their own health and safety. For example, if a provider runs a trampolining course which includes a high proportion of learners with learning and physical disabilities a reasonable adjustment might be for staff teaching on that course to have specialist training in lifting.

Checklist

Are there ways in which your health and safety procedures and risk assessments might need updating in the light of new duties to disabled learners?

Are there areas where you might need to bring in extra health and safety training for staff to ensure that disabled learners can be included?

One particular issue which comes under the general area of health and safety concerns learners who require support in receiving regular medication when attending adult education. This might be something relatively simple such as reminding a learner to take a tablet every lunchtime. Other learners might have more complex needs. There is no clear solution to this issue and currently different providers have different ways of supporting such learners. LEAs and providers will need to ensure they have clear procedures in place as to how they might reasonably support such learners and also recognise that such support might need to be reflected in their staff contracts and their overall insurance policies. The DfES has issued a booklet on this subject, but only in relation to school pupils.

Checklist

Do you need to draw up policies and procedures for learners who might need help in receiving regular medication when attending adult education?

6. Activities outside the normal curriculum – for example exams, assessment, learner visits

The legislation extends to all areas of a learner's activities, not just to what goes on in the classroom. Staff need to think about how they can make all of these areas accessible to disabled learners.

If their courses include assessment or examination they need to discuss with the learner any special arrangements they may require. This could be, for example, extra time for a learner with dyslexia, time for breaks for a learner who has pain which means she cannot sit still for long periods of time, an afternoon exam for a learner with mental illness whose medication means he is very drowsy in the mornings.

Similarly, when arranging visits or outings, staff need to be aware of any adjustments which may need to be made for disabled learners. These might involve physical access, for example ensuring the restaurant you are going to for a Christmas meal is accessible, or involve arranging other kinds of support, for example arranging for a learner who has personal support needs to bring a support worker of her choice on an outing.

Checklist

What procedures need to be in place to ensure that disabled learners are not discriminated against in the full range of services offered by a provider?

C. Publicity, policies and internal paperwork

As well as ensuring that teaching materials are accessible, LEAs and providers will also need to check whether any of their other written materials (for example publicity, policies, forms) need to be adapted in the light of the new legislation.

a. Publicity and marketing

LEAs and providers may wish to add an additional paragraph to their publicity materials, for example prospectuses or other marketing materials, welcoming the new legislation and stating their intention of complying with it.

In addition to this they may wish to have additional material for disabled learners and prospective learners which states in more detail how the authority/provider is responding to the needs of disabled learners. LEAs already have the basis for this in their existing Disability Statements. As was mentioned in Part One of this Guidance, Disability Statements will no longer be a statutory requirement with the implementation of the new legislation. However, LEAs may well wish to continue to produce them as a very useful way of letting potential learners know what they can expect.

b. Policies

LEAs and providers are likely already to have Equal Opportunities/Disability policies. These too will need updating to ensure they refer to the new legislation.

c. Internal paperwork

Providers' internal paperwork will need to be reviewed to see if it needs changing in the light of the new legislation. Providers may want to review any forms they currently use, for example enrolment and application forms, to ensure that they provide a welcoming statement encouraging disabled learners to discuss any additional requirements they may have (see Section A above). Individual learner agreements may also need to be adapted to ensure that they take account of the duty to provide reasonable adjustments for disabled students

In addition to this a provider might have certain internal regulations which could be discriminatory under the new legislation if applied to disabled learners. For example they might have a policy which stated that any learner who missed a certain number of classes was automatically excluded from the course. This would need to be amended to ensure that if learners missed classes on account of their disability they would not automatically be excluded.

Accessibility of all materials

LEAs and providers will also need to ensure that all of their materials (not just their teaching materials) are available on request in different formats so that they can be accessible to all disabled people. This does not necessarily mean storing large numbers

of large print or Braille copies but knowing how to get materials translated into Braille or large print at short notice when requested to do so. Information Technology makes this a relatively easy process. LEAs and providers might wish to produce easy-to-read versions of some of their materials for people with learning difficulties. They might also want to ensure that it is clear that help can be given in reading and understanding the material on request.

Checklist

What steps do you need to take to ensure that the full range of your paperwork is compatible with the new legislation?

Are your publicity and policy materials available in a variety of formats?

D. Suggestions for implementation

Sections A, B and C above indicate the need for a review of existing practices and procedures and the need to draw up an action plan to address any areas which require development. It is of course up to individual LEAs and providers as to how they address this work. However, it might be useful to designate someone to take the lead and to convene a working group to co-ordinate the exercise.

a. LEA working group

An LEA working group might include:

- key LEA staff with responsibility for this area of work
- representatives from key providers
- LEA representative with responsibility for estates
- disabled learners
- local councillor (so that elected members fully understand the Authority's new responsibilities).

Such a working group could take responsibility for the LEA's action plan looking at the authority as a whole, and for decisions about the budgets available for implementing this action plan.

Regular reporting back to other LEA staff and to local councillors will ensure that important messages are cascaded throughout the Authority

Since the new Part 4 of the DDA also applies to the statutory youth service and to schools it would be important for those taking forward its implementation in adult education to make links with both of these sectors to look at how an authority-wide approach can be co-ordinated.

b. Provider working groups

Larger individual providers may also wish to establish working groups to draw up an action plan for their own organisation. The membership of these groups might include

- member(s) of staff with responsibility for disabled learners
- disabled learners
- member of senior management with budgetary responsibility
- member of staff in charge of estates
- member of non-teaching staff
- a governor

This group would need to liaise closely with the LEA. It would need to draw up a provider action plan. It might wish to report to the governing body and would also need to ensure that all staff are aware of the new legislation.

Where does the budget for this work come from?

The LEA is responsible for ensuring that it complies with the legislation. Money for ensuring this happens is likely to come from a variety of sources:

- For the first two years LEAs will receive an allocation via the Learning and Skills Council (LSC) to help them make their physical environment more accessible to disabled people. The LSC will also provide help with staff development. Availability of further funding is subject to the current cross-Government spending review
- large adult education providers may decide to allocate a certain proportion of their budgets to support implementation of the legislation (this might include allowing certain members of staff time to carry out specific tasks)
- They may also want to ensure that their regular budgets, e.g. for staff, curriculum or quality development, cover work which will support the implementation of the new legislation.

Conclusion

In bringing education under the scope of the DDA, the Special Educational Needs and Disability Act provides a very important step for disabled learners as, for the first time, in England, Scotland and Wales, they will be given legal rights in their access to education. However, it can also be seen as an incremental step building upon the large amount of work already carried out by LEAs and their providers. Adult education services and institutions have always given priority to learners who have been excluded from the educational system, including learners with disabilities and learning difficulties, and have developed innovative and flexible ways of including them. The implementation of DDA Part 4 will constitute one more development in this movement.

National organisations who might be able to offer support

Disability Rights Commission

The DRC Helpline provides advice and information about the Disability Discrimination Act.

Tel: 08457 622 633 (voice)

08457 622 644 (text)

Fax: 08457 778 878

E-mail: enquiry@drc-gb.org

Website: www.drc-gb.org

The DRC Helpline publishes a number of free guides and factsheets. For details and copies call the number above or write to:

DRC Helpline

FREEPOST MID02164

Stratford-upon-Avon

CV37 9BR

NIACE (National Institute of Adult Continuing Education)

21 De Montfort Street,

Leicester, LE1 7GE

Tel: 0116 204 4200

Fax: 0116 285 4514

E-mail: enquiries@niace.org.uk

Website: www.niace.org.uk

Offers information, publications, consultancy and staff development.

Skill: National Bureau for Students with Disabilities

Chapter House,

18-20 Crucifix Lane,

London SE1 3JW

Tel/min: 020 7450 0620

Fax: 020 7450 0650

Infoline: 0800 068 2422

E-mail: info@Skill.org.uk

Website: www.Skill.org.uk

Offers information, advice and publications

Learning and Skills

Development Agency

Regent Arcade House

19-25 Argyll Street

London W1F 7LS

Tel: 020 7297 9000

Fax: 020 7297 9001

Research and publications relating to all aspects of further and adult education including learning difficulties and disabilities.

Royal National Institute for the Blind (RNIB)

224 Great Portland Street

London W1W 5AA

Tel: 020 7388 1266

Fax: 020 7388 2034

Helpline: 0845 766 9999

Helpline E-mail: rnib@rnib.org.uk

Website: www.rnib.org.uk

RNIB offers taping and Braille services, student support services, benefit entitlements and visual impairment awareness training.

Royal National Institute for Deaf People (RNID)

19-23 Featherstone Street

London EC1Y 8SL

Tel: 020 7296 8000

Min: 020 7296 8001

Fax: 020 7296 8199

Helpline: 0808 808 9000

E-mail: informationline@rnid.org.uk

Website: www.rnid.org.uk

Offers deaf awareness training, information on equipment, where to get interpreters.

MENCAP (for people with learning disabilities)

123 Golden Lane,
London EC1Y 0RT
Tel: 020 7454 0454
Fax: 020 7696 5540
E-mail: info@mencap.org.uk
Website: www.mencap.org.uk
Offers support for people with a learning disability and their families through local networks.

RADAR (Royal Association for Disability and Rehabilitation)

12 City Forum
250 City Road
London EC1V 8AF
Tel: 020 7250 3222
Min: 020 7250 4119
Fax: 020 7250 0212
E-mail: radar@radar.org.uk
Website: www.radar.org.uk
Particularly involved with access, education, employment, holidays, housing, mobility and social services.

Mental Health Foundation and Foundation for People with Learning Difficulties

83 Victoria Street
London SW1 H OHW
Tel: 020 7802 0300
E-mail: mhf@mhf.org.uk
Website: www.mentalhealth.org.uk
A research foundation which publishes *Mental Illness: The Fundamental Facts* and other booklets.

Adult Dyslexia Organisation

336 Brixton Road
London SW9 7AA
Tel: 020 7737 7646
Fax: 020 7207 7796
Advice line: 020 7924 9559
(Tues; Wed; Thurs; 10.30-4.30)
E-mail: dyslexia.hq@dial.pipex.com
Website: www.futurenet.co.uk/charity/ado/index.html
Provides information service, publications, membership scheme with newsletter.

National Register of Access Consultants

Nutmeg House
60 Gainsford Street
London SE1 2NY
Tel: 020 7234 0434
Min: 020 7357 8182
Fax: 020 7357 8183
E-mail: marynoble@nrac.org.uk

This is only a selection from a wide range of organisations. Skill: National Bureau for Students with Disabilities (see above) has produced an Information Sheet which contains a much fuller list. Many of these national organisations have local branches. In addition to this there are many local voluntary organisations which may be able to give advice and support on specific issues. In addition to this some Local Authorities run short, tailor-made training courses on disability issues which can be bought in by other authorities, for example those run by Sue Kelley for Devon County Council.

Useful resources

The Disability Discrimination Act 1995 (as amended by the Special Educational Needs and Disability Act 2001)

Consultation on a new Code of Practice

New duties (from 2002) in the provision of post-16 education and related services for disabled people and students

Available from DRC Helpline (see above)

(NB at the time of publication this Code of Practice is still in draft form. It has been consulted on and a final version will be in print in May 2002)

Finding out about people's disabilities

A good practice guide for further and higher education institutions)

Department for Education and Skills, 2002.

Ref: DfES/0023/2002

Available from:

DfES Publications, PO Box 5050, Annesley, Nottingham NG15 0DJ

Tel: 0845 602 2260

Providing work placements for disabled students

A good practice guide for further and higher education institutions

Department for Education and Skills, 2002.

Ref: DfES/0024/2002

Available from:

DfES Publications, P.O. Box 5050, Annesley, Nottingham NG15 0DJ

Tel: 0845 602 2260

A guide to the Disability Discrimination Act 1995

For Institutions of Further and Higher Education

Skill: National Bureau for Students with Disabilities, revised spring 2002.

Available from Skill: National Bureau for Students with Disabilities

Rights to access: A toolkit to help colleges meet or exceed the requirements of the DDA, Association of Colleges, 2002.

(Copies of this have been sent to all colleges. It will be available on the AOC website, www.aoc.co.uk)

Inclusive learning, Report of the Learning Difficulties and/or Disabilities Committee, Further Education Funding Council, 1996.

All things being equal? A practical guide to widening participation for adults with learning difficulties in continuing education, Jeannie Sutcliffe and Yola Jacobsen, NIACE, 1999.

Integration for adults with learning difficulties, Jeannie Sutcliffe, NIACE, 1992.

Deaf students in further education, RNID, 2002.

Adult pre-entry curriculum framework for literacy and numeracy, ref. A1212,
(available from Basic Skills Agency, 0870 6002400)

**Access for all: Guidance on making the adult literacy and numeracy core
curricula accessible**, ref. A1211, (available from basic Skills Agency, 0870 6002400)

Supporting pupils with medical needs

Department for Education and Skills

NIAD - a website which gives up to date advice on assistive technology:

Niad.dishne.ac.uk

department for
education and skills
creating opportunity, releasing potential, achieving excellence